

LEWIS BRISBOIS BISGAARD & SMITH LLP
 STEVEN G. GATLEY, SB# 155986
 JAMIE L. VELLS, SB# 156469
 221 North Figueroa Street, Suite 1200
 Los Angeles, California 90012
 Telephone: (213) 250-1800; Facsimile: (213) 250-7900
 Email: gatley@lbbslaw.com
vels@lbbslaw.com

Attorneys for Defendant,
 CLARKE MOSQUITO CONTROL PRODUCTS, INC.,
 erroneously sued as Clarke Mosquito Control, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MICHELLE MILLER,

Plaintiff,

v.

CLARKE MOSQUITO CONTROL, an Illinois
 Corporation; DOW CHEMICAL dba DOW
 AGROSCIENCES, an Indiana Corporation;
 DOES 1 to 40, inclusive,

Defendants.

) CASE NO. C 05 00203 JSW

) ***VIA FACSIMILE FILING***

) **STIPULATION TO EXTEND ALL**
) **LITIGATION DATES; AND ~~PROPOSED~~**
) **ORDER**

TO THE COURT AND ALL ATTORNEYS OF RECORD:

Plaintiff MICHELLE MILLER ("Plaintiff") alleges both an action for negligence and products liability. Plaintiff alleges that she was exposed to Mosquito Mist, a larvecide that Defendant CLARKE MOSQUITO CONTROL PRODUCTS, INC. ("Clarke Mosquito") formulates and distributes, and that as a result she has been injured. She contends that Clarke Mosquito had knowledge of the hazards to humans, and by not adequately warning of the dangers of the product, it has breached its duty of care to Plaintiff. She contends she was exposed to Mosquito Mist while living in the Cayman Islands.

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At Plaintiff's deposition on September 20, 2005, it became obvious to all parties that there remained a significant amount of discovery yet to be completed. Based on Plaintiff's testimony, new issues have arisen which could have a profound effect on the litigation. As well, Plaintiff's testimony informed the parties of unknown pertinent documents that are in the hands of the Cayman Islands government, and implicated possible negligence on the Cayman Islands government's part.

It has recently come to the attention of Clarke Mosquito's attorneys that Plaintiff is involved in a pending lawsuit in which she made similar claims to this matter. Clarke Mosquito would like the opportunity to investigate Plaintiff's pending lawsuit, as it could have significant implications on this litigation.

Presently, mediation is scheduled for September 30, 2005. Counsel for Plaintiff and Clarke Mosquito discussed at Plaintiff's deposition that in order to have a meaningful mediation and serious attempt at settlement, more time to conduct discovery is needed. Plaintiff's deposition was not completed on September 20, 2005.

Plaintiff and Clarke Mosquito by and through their respective attorneys of record hereby stipulate, subject to the Court's approval, that all the litigation dates be extended for at least ninety (90) days.

The following are the current litigation dates that are set in this matter. The parties request that the Court grant an order extending by at least ninety (90) days of all the following dates:

- | | |
|---|--------------------|
| 1. Mediation cut-off date : | September 30, 2005 |
| 2. Fact cut-off date: | October 15, 2005 |
| 3. Further Case Management Conference: | October 28, 2005 |
| 4. Plaintiff's Expert Reports Disclosure: | December 15, 2005 |
| 5. Last day to hear dispositive motions: | December 16, 2005 |
| 6. Defendant's Expert Reports Disclosure: | January 15, 2006 |
| 7. Pre-trial Status Conference: | February 27, 2006 |
| 8. Trial: | March 20, 2006 |


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1 Plaintiff and Clarke Mosquito request this extension of all the litigation dates in order to properly
2 prepare this litigation.


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4 Dated: September 26, 2005

LEWIS BRISBOIS BISGAARD & SMITH LLP

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6
7 By 
8 STEVEN G. GATLEY
9 JAMIE L. VELS
10 Attorneys for Defendant
11 CLARKE MOSQUITO CONTROL PRODUCTS,
12 INC., erroneously sued as Clarke Mosquito Control,
13 Inc.

14
15 Dated: September 26, 2005

STEPHEN M. WALLACE, ESQ.

16
17 By 
18 STEPHEN M. WALLACE
19 Attorneys for Plaintiff
20 MICHELLE MILLER

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ORDER

Based upon the Stipulation by and between Plaintiff and Clarke Mosquito, it is ordered that the parties shall have an extension of the scheduled litigation dates as follows:

1. Mediation cut-off date: December 30, 2005
2. Fact cut-off date: January 13, 2006
3. Further Case Management Conference: January 27, 2006 at 1:30 p.m.
4. Plaintiff's Expert Reports are due: March 16, 2006

4826-9051-2896.1

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STIPULATION TO EXTEND ALL LITIGATION DATES; AND ~~PROPOSED~~ ORDER

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012-2801
TELEPHONE (213) 250-1800

5. Last day to hear dispositive motions: March 17, 2006 at 9:00 a.m.

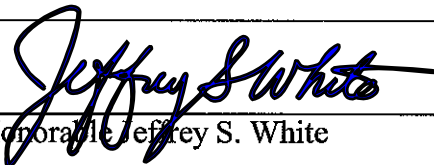
6. Defendant's Expert Reports are due: April 14, 2006

7. Pre-trial Status Conference: May 22, 2006 at 2:00 p.m.

8. Trial is scheduled to begin on: June 12, 2006 at 8:30 a.m.

IT IS FURTHER ORDERED:

Dated: September 27, 2005


Honorable Jeffrey S. White

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012-2601
TELEPHONE (213) 250-1800